

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>THE WOOSTER BRUSH COMPANY,</b>	)	<b>CASE NO.: 5:98CV 2356</b>
	)	
<b>Plaintiff,</b>	)	<b>JUDGE GWIN</b>
	)	<b>MAGISTRATE JUDGE GALLAS</b>
<b>vs.</b>	)	
	)	
<b>NEWELL OPERATING COMPANY,</b>	)	<b><u>PLAINTIFF'S REPLY TO</u></b>
<b>d/b/a and through its division,</b>	)	<b><u>DEFENDANT'S COUNTERCLAIM</u></b>
<b>EZ PAINTR COMPANY,</b>	)	
	)	
<b>Defendant.</b>	)	

Plaintiff, The Wooster Brush Company ("Wooster Brush"), for its reply to the Counterclaim of Defendant filed in this case states as follows:

**FIRST DEFENSE**

1. Responding to paragraphs 13 and 14 of the Counterclaim, Wooster Brush denies the allegations contained therein and denies them for want of knowledge.
2. Responding to paragraph 15 of the Counterclaim, Wooster Brush admits that venue is proper in this District and denies the balance of the allegations set forth in paragraph 15.
3. Responding to paragraph 16 of the Counterclaim, Wooster Brush denies that any exhibit was properly attached to the Complaint and denies that it was provided with any such exhibit as referenced there, and therefore, denies the allegations of paragraph 16 of the Counterclaim.

4. Wooster Brush denies the allegations contained in paragraphs 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 of the Counterclaim.

5. Wooster Brush hereby denies any and all other allegations in the Counterclaim not specifically admitted above.

**SECOND DEFENSE**

6. Defendant's Counterclaim is barred in whole or in part by the defense of advice of counsel.

WHEREFORE, Wooster Brush demands that Defendant's Counterclaim be dismissed with prejudice, and that Wooster Brush be granted relief as set forth in its Complaint which is incorporated herein by reference.

Respectfully submitted,

s/John B. Schomer

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 14, 1999, a copy of the foregoing was filed electronically.

Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

The parties may access this filing through the Court system.

s/John B. Schomer  
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